

## Konrad Jackson

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### Public Testimony in Opposition to Senate Bill 11 – Legal Conflicts, Supremacy Clause Violations, and Corporate Accountability Failures

Dear Members of the Committee,

I am submitting this testimony in strong opposition to Senate Bill 11, which proposes the establishment of the Alaska Flood Authority and a state-run flood insurance program. While addressing flood risks is crucial, this bill fails to hold corporate polluters accountable, violates constitutional principles, and directly conflicts with federal law under the Supremacy Clause, while unjustly shifting the financial burden onto homeowners, Indigenous communities, and working-class Alaskans. Additionally, SB 11 weakens the authority of the legislative and judicial branches while expanding executive power beyond its intended scope, further undermining the balance of power within Alaska's government.

#### I. Legal Conflicts and Constitutional Concerns

##### 1. Violation of the Supremacy Clause (U.S. Constitution, Article VI, Clause 2)

SB 11 conflicts with multiple federal laws and regulations, raising serious Supremacy Clause concerns:

A. Clean Water Act (33 U.S.C. § 1251 et seq.) – The bill does not impose financial responsibility on industries that contribute to water contamination, erosion, and wetland destruction.

B. National Flood Insurance Program (42 U.S.C. § 4001 et seq.) – The bill establishes a state flood insurance system without ensuring compliance with federal requirements.

C. Stafford Act (42 U.S.C. § 5121 et seq.) – SB 11's failure to hold major polluters accountable conflicts with federal disaster relief principles and could jeopardize Alaska's eligibility for federal disaster aid and recovery funding.

If SB 11 contradicts or fails to align with federal law, it risks being preempted and ruled unconstitutional under the Supremacy Clause.

##### 2. Violation of the Equal Protection Clause (14th Amendment, U.S. Constitution)

The bill imposes financial burdens on marginalized communities while exempting corporate polluters from accountability. This creates a disparate impact on vulnerable populations, violating equal protection principles by disproportionately harming those least responsible for climate-related disasters.

##### 3. Unconstitutional Corporate Subsidies (Alaska State Constitution, Article IX, Section 6)

SB 11 shields corporate polluters from liability while transferring climate disaster costs to the public. The Alaska Constitution prohibits the use of public funds for private corporate benefit without a compelling state interest.

#### 4. Failure to Uphold the Public Trust Doctrine

Under the Public Trust Doctrine, the state has a duty to protect natural resources for the benefit of all residents. SB 11 ignores this duty by failing to regulate and hold accountable industries whose activities directly contribute to environmental degradation and increased flood risks.

Further demonstrating the state legislation is willing only to protect corporate interests over public safety and human life.

#### 5. Corporate Personhood and Equal Legal Standards

The legal principle of corporate personhood, recognized by the U.S. Supreme Court in cases such as *Citizens United v. FEC* (2010) and *Santa Clara County v. Southern Pacific Railroad* (1886), grants corporations many of the same legal rights as individuals. If corporations are to benefit from constitutional protections, they must also be held accountable under the law, just as individuals are.

##### 1. Equal Liability Under Environmental and Tort Law

Just as an individual can be held financially and legally responsible for actions that cause harm, so too must corporations be subject to the same standard of liability for environmental damage. Industries that contribute to climate change and flood risks must be required to:

- A. Pay for damages caused by their pollution, emissions, and deforestation that exacerbate climate-driven disasters.
- B. Contribute to flood mitigation efforts and disaster relief, rather than shifting the burden onto taxpayers.
- C. Adhere to strict environmental regulations rather than lobbying for legal exemptions.

##### 2. Criminal Accountability for Corporate Misconduct

Under federal law, individuals can be criminally prosecuted for negligence or intentional harm. Corporations, as legally recognized "persons," must also face criminal and financial penalties for actions that endanger public safety and environmental health. SB 11 fails to impose these necessary legal consequences.

##### 3. Precedent for Holding Polluters Accountable

Past legal cases have set a precedent for corporate accountability, including:

- A. Exxon Valdez Oil Spill (1991) – Exxon was found liable for one of the worst environmental disasters in U.S. history, reinforcing the principle that corporations must be held responsible for environmental harm.
- B. BP Deepwater Horizon Spill (2010) – BP was forced to pay billions in damages for its negligence, further establishing that industries must pay for the consequences of their actions.

Despite these precedents, SB 11 fails to hold corporations accountable for climate-related damages, creating a dangerous legal inconsistency.

#### 6. Failure to Hold Polluters Responsible

Scientific research has clearly established that climate change—driven by fossil fuel extraction, industrial pollution, and deforestation—is intensifying flooding risks. Yet, SB 11 fails to require corporate polluters to contribute financially to flood mitigation efforts.

Rather than allowing industries to evade responsibility, Alaska must implement polluter-pay mechanisms, including:

- A. A Climate Disaster Mitigation Fund requiring contributions from fossil fuel, mining, and heavy industry corporations.
- B. Stronger corporate taxation on companies engaged in resource extraction and emissions-heavy industries.
- C. A carbon mitigation fee to help fund climate adaptation and flood resilience projects.

## 7. Unjust Burden on Marginalized Communities

SB 11 disproportionately harms Alaska Native communities, rural villages, and low-income residents, many of whom live in areas facing the highest flood risks due to industrial pollution and resource extraction.

Without safeguards for affordability and equity, SB 11 exacerbates systemic injustices, contradicting principles of environmental justice and fair governance.

## 8. Alternative Solutions for Fair and Effective Flood Protection

Instead of shifting financial responsibility onto the public while exempting polluters, Alaska should implement the following:

- A. Establish a Climate Accountability Fund – Require polluters to contribute funding for flood protection, climate adaptation, and disaster relief.
- B. Expand Climate Resilience Infrastructure – Invest in natural flood barriers, improved drainage systems, and permafrost protection for rural and Indigenous communities.
- C. Ensure Affordable Insurance Rates – Implement caps on flood insurance premiums and provide targeted financial assistance for low-income households.
- D. Strengthen Corporate Accountability – Mandate industries to mitigate environmental damage that contributes to increased flood risks.

## 9. Government Overreach – Weakening the Judicial and Legislative Branches

SB 11 concentrates power in the executive branch while undermining both the legislative and judicial branches, violating the separation of powers as outlined in the U.S. and Alaska Constitutions.

### 1. Weakening the Legislature’s Authority

By allowing the executive branch to unilaterally create and control a state-run flood insurance program, SB 11 diminishes the legislature’s oversight and appropriations power, giving the executive unchecked financial discretion over disaster-related funds. This is a clear overreach that limits legislative decision-making and bypasses democratic processes.

Once there is no need for government, then we will we get rid of government. You can thank Senator Myers for that bit of insight.

## 2. Undermining Judicial Oversight

The bill also limits judicial authority by reducing avenues for holding corporations accountable in court for environmental damage. If industries are shielded from liability under SB 11, individuals and communities affected by corporate-driven climate disasters may lose their right to legal recourse. This creates an imbalance where private entities are protected from lawsuits while ordinary Alaskans bear the financial and environmental burden.

## 3. Expanding Executive Power

The executive branch already wields significant power over regulatory agencies that oversee environmental and disaster policies. SB 11 further expands executive authority by creating a centralized state agency that lacks legislative oversight. This sets a dangerous precedent, allowing future administrations to dictate climate and disaster policies without proper checks and balances.

Time and time again during this administration I have witnessed the dismantling of the power of the other two branches while the executive seizes more and more power for its self. I remind you again, we are a government by the people and for the people which is based on three equal but separate branches of government. Reclaim your power, the judiciary power, and limit the executive or you shall soon be out of a job.

## 10. Conclusion

SB 11 is an inadequate, unjust, and legally questionable response to Alaska's growing flood risks. It fails to hold corporate polluters accountable, directly conflicts with federal laws under the Supremacy Clause, and unjustly burdens vulnerable communities. If Alaska is serious about protecting its residents from climate-driven disasters, legislation must prioritize environmental justice, corporate responsibility, and equitable solutions. Additionally, it erodes legislative and judicial authority while concentrating excessive power in the executive branch, disrupting the constitutional balance of power.

Furthermore, it is a foundational principle of American democracy that no entity, whether an individual or a corporation, is above the law. The Constitution, federal statutes, and the will of the people are the supreme rulers of the United States—not private interests, not corporate lobbyists, and not those who believe they are beyond accountability. Corporate personhood does not exempt businesses from their legal and moral responsibilities. The rule of law applies equally to all, without exception.

For these reasons, I urge you to reject SB 11 in its current form and instead pursue policies that align with constitutional principles, federal environmental laws, and public interest protections.

Thank you for your time and consideration.

Susan Allmeroth  
Two Rivers  
Myself

